

DIVERSE VIEWS

ARGUMENTS ON THE STATUS OF OUR ISLAND POSSESSIONS.

United States Supreme Court Room
Crowded with People Interested
in the Important Cases.

COUNSEL PERKINS'S PLEA

HE CONTENTED THE CONSTITUTION FOLLOWED THE FLAG.

And that All Civilized Residents of Porto Rico and the Philippines are United States Citizens.

ARGUMENT OF MR. GRIGGS

WHO HELD THE CONSTITUTION DID NOT EXTEND TO NEW LANDS.

Right of United States to Acquire Territory—Power of Congress—Harmon's Plea—Questions Asked.

WASHINGTON, Dec. 18.—Arguments in the Porto Rico-Philippines cases, involving the status of those countries to the United States, resumed in the United States Supreme Court today. The widespread interest in the cases was shown by a large attendance of prominent members of the bar and by a crowd of spectators which filled the public galleries and overflowed into the corridor. Senators and representatives in Congress, who had taken part in the Porto Rico-Philippines legislation dropped in as the arguments proceeded and gave attentive ear to the proceedings.

Edward G. Perkins, senior counsel in the Porto Rico case on resuming his argument took up the Dred Scott and other cases relating to the extension of the Constitution over territory. Soon after Mr. Perkins began Justice Brown put in an inquiry as to whether Mr. Perkins had read the most recent cases as to the extension of the Constitution to territories and also as to whether he had examined the sections of the United States statutes, wherein Congress extended the Constitution to certain territories. Mr. Perkins said he had examined both of those branches and he hoped to be able to present answers to the contentions made as to them.

After examining numerous cases Mr. Perkins said the doctrine that the Constitution did not extend to the territories was based on the idea that the Constitution was a substance, a sort of chattel, which could be moved about here and there, as Congress saw fit, rather than as something bequeathed to us by our ancestors. It was, he said, "a sort of transubstantiation of the Constitution." It was a contention that the Constitution could not get into a territory unless Congress placed it there. He denied that the Constitution, in itself, extended to the territories, by declaring that it was an inanimate substance, lacking the powers of locomotion.

POINTED QUESTIONS.
At this point Justice White asked a series of pointed questions of Mr. Perkins. The justice first asked if Mr. Perkins's contention would lead him to the conclusion that immediately upon the making of a treaty ceding territory to the United States every person born in that territory after date of cession became ipso jure a citizen of the United States.

Mr. Perkins answered in the affirmative, saying that if his contention was correct, those born in the territory after the cession were citizens, if they were civilized, and not in the position of our Indians.

Justice White asked what authority there was for excluding Indians. He pointed out that the distinction between the American Indian and the citizen antedated the Constitution. He again propounded the query to citizenship, following immediately on the conclusion of a cession of territory.

Mr. Perkins answered that undoubtedly persons born in the territory after the cession and subject to the jurisdiction of the United States were citizens of the United States. Justice White suggested that in this answer "Under the jurisdiction of the United States" stated out of the question the very contention which was being made in these cases.

Mr. Perkins said the limitation of his answer was intended to cover such special circumstances, relating to Indians and uncivilized persons, which had been referred to. Continuing his argument Mr. Perkins cited many other authorities supporting his view that the Constitution in itself extended to territories.

Mr. Perkins summed up the arguments for the appellant in part as follows: "The people of the United States in and by the Constitution, organized and erected one and the same government, of defined and limited powers, for all people who might inhabit within the dominion of the Nation. The whole purpose and theory of the Constitution is the establishment in a permanent form, unalterable except by the people themselves, of fundamental principles of government applicable in all time and in every place. The power to govern the people inhabiting the territory of the Nation, which is delegated by the Constitution to Congress, is limited and defined by the Constitution, and Congress cannot transcend the limits imposed. The Constitution limits the powers of Congress to impose taxation by the mandate that all duties, imposts and excises shall be uniform throughout the entire domain of the United States."

THE TARIFF ACT.

Mr. Perkins said the appellants felt that they had established that neither the treaty of Paris nor the tariff act of 1897 are violative of the constitutional principles he had set forth, but that the tariff act was in full force and effect throughout the national domain, as well in Porto Rico and the Philippines as elsewhere, and it did not contemplate a tax upon goods transported from one part of the national domain to another.

When counsel referred at one point to the need of applying general constitutional principles to the new domain, instead of considering mere commercial or practical features, Justice Brown asked if the court could not consider the practical effect of extending to the Philippines the requirement for trial by jury in every case.

Mr. Perkins said that if the Constitution

provided that trial by jury should not be withheld, he doubted whether the court would consider the practical conveniences of giving that right to particular localities. Mr. Perkins also referred to some other constitutional requirements, such as the right of habeas corpus, which might have to be extended to all territory alike. Justice Brown asked in this connection if counsel thought we could single out what provisions of the Constitution apply to new territory and what do not. Mr. Perkins responded that it was for the court to say "thus far and no farther," that it was for Congress to act, always, however, within the limits defined by the Constitution.

Mr. Harmon, of counsel for appellant in the Philippines case, followed Mr. Perkins, speaking at times in impassioned tones which rang throughout the chamber. He spoke of the august character of the court and the sentiment that on this "holy ground" justice and right were certain to prevail. The proposition now presented, small in itself, involved results affecting the entire future of the government.

HARMON'S CASE.
Mr. Harmon briefly recited the circumstances of the Philippine case: Emil J. Ferkel, a volunteer serving in the Philippines, where he purchased fourteen diamond rings valued at \$900 to \$1,000, brought them back to the United States, where at Chicago the United States customs officers confiscated the diamond rings on the ground that they came from the Philippines, were dutiable, and had been smuggled into the United States. The case now comes up to the United States Supreme Court on the appellant's plea that the property was not subject to customs duties, the Philippines being, as he contends, a part of the United States.

Mr. Harmon directed the early part of his argument to setting forth the fundamental principles of equality which had been enunciated by the Declaration of Independence. The chief points urged in his arguments were:

"By the treaty of peace between the United States and Spain the Philippines became a part of the United States."

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FIGHT WITH BOLOMEN

SEVERAL HUNDRED ATTACKED BY AMERICANS IN CEBU.

Twelve Killed and Many Wounded, While the Assaultants Had but Three Men Wounded.

FEARS OF ARMY OFFICERS

RETURN OF VOLUNTEERS MAY BE FOLLOWED BY REBEL ACTIVITY.

Thirty-Seventh Infantry and the Eleventh Cavalry to be the First to Leave Manila.

MANILA, Dec. 18.—Lieutenant Herbert L. Evans, of the Forty-fourth Volunteer Infantry Regiment, with fifty men, attacked, Dec. 12, several hundred Bolo men, and fifty insurgents armed with rifles, occupying an entrenched position at Tonoxian, Island of Cebu. The Americans had three men wounded, and the enemy lost twelve killed and many wounded.

The volunteer regiments will proceed to the United States to be mustered out. In practically the same order as they arrived in the Philippine Islands. They will be replaced by regulars provided by the army bill. The Thirty-seventh Volunteer Regiment which is to begin the homeward movement by embarking on New Year's day, will be brought from the Laguna de Bay district and will sail on the transport Sheridan. The women and sick soldiers who were to sail on the Sheridan will leave on the Warren Saturday. The Eleventh Cavalry, which is to follow the Thirty-seventh Volunteer Regiment, will be transferred here from Camarines Province, and will sail Jan. 15, on the Meade. The Thirty-sixth Regiment, which began service the earliest, in July, 1898, is now in the Province of Ilocos, but will be transported here soon.

The officers of the regular army holding commissions in volunteer regiments, will be retained in the Philippines and volunteer officers on special duty will be relieved only on the authority of headquarters. Arms, ammunition, equipment, stores and animals will be transferred to division headquarters, excepting a hundred rifles, a hundred cartridge belts and five thousand rounds of ammunition per regiment. The men will retain their haversacks and utensils. Volunteers desiring to leave the service and remain in the Philippines will be allowed to do so. Enlisted natives will be discharged.

It is believed that the temporary depletion of many posts and the checking of operations will result in renewed insurgent activity.

The announcement this afternoon of the early commencement of transportation home of the volunteers caused surprise.

General Hughes reports that 21,000 persons in the Island of Panay have sworn allegiance to the United States.

TWO DEATH LISTS.

Names of Soldiers Who Have Died in the Philippines and China.

WASHINGTON, Dec. 18.—General MacArthur has cabled the following death list from Manila:

Dysentery—Dec. 12: Company H, Third Infantry, Benolite Banning; Company M, Third Infantry, Col. S. H. Smith. Nov. 25: Company B, Seventeenth Infantry, George A. Newlands. Dec. 11: Company G, Twentieth Infantry, Col. S. H. Smith. Nov. 25: Company B, Seventeenth Infantry, Samuel Sammond. Dec. 11: Company M, Eighth Infantry, John G. Hamner. Nov. 25: Company F, Fortieth Infantry, Artiller James F. Barrett.

Malaria—Feb. 28: Company D, Fifth Infantry, Charles D. Phillips. Dec. 9: Troop F, Third Cavalry, Alfred J. Maud. Nov. 25: Company C, Second Infantry, Richard B. Redick.

Typhoid Fever—Dec. 3: Company M, Twentieth Infantry, Col. S. H. Smith. Dec. 4: Company E, Second Infantry, Corporal Leonard E. Neal. Dec. 11: Company D, Third Infantry, Col. S. H. Smith. Dec. 11: Company D, Third Infantry, Col. S. H. Smith. Dec. 11: Company D, Third Infantry, Col. S. H. Smith.

All other causes—Dec. 5: Battery M, Seventh Artillery, Thomas J. Tabbick. Nov. 25: Company A, Thirty-first Infantry, Oliver L. Harter. Dec. 6: Troop B, Third Cavalry, Charles Conlin. Nov. 28: Troop A, Ninth Cavalry, John W. Anderson. Dec. 12: Company B, Forty-ninth Infantry, Edward Jones. Nov. 15: Company K, Twentieth Infantry, Robert F. Lane. Dec. 11: Company G, Twentieth Infantry, Samuel Sammond. Dec. 9: Company C, Second Infantry, Lee W. Haynes. Dec. 12: Company F, Fortieth Infantry, Charles W. Hake. Dec. 19: Hospital corps, Benjamin F. Jones. Dec. 4: Company C, Twenty-fifth Infantry, William H. Hake.

General Chaffee's latest death list from

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RAIDED TWICE

CAPE COLONY INVADED BY BOERS AT TWO SEPARATE POINTS.

Intimation that the Enemy is Being Forced Back to Orange River, Where a Net Has Been Spread.

NARROW ESCAPE OF BRITISH

BOERS AT NOOTVEDACHT HAD LAID THEIR PLANS WELL.

And if Clements Had Delayed Retreat a Little Longer His Whole Army Would Have Been Captured.

LORD SALISBURY CRITICISED

PESIMISTIC SPEECH NOT RELISHED BY THE LONDON PRESS.

Thanksgiving Service in Connection with the Return of Lord Roberts to Be Abandoned.

LONDON, Dec. 18.—"The Boers have raided Cape Colony at two separate points, one hundred miles distant," says the Cape Town correspondent of the Daily Mail. One commando advanced upon Philippus, between Colesburg and Kimberley. The other, supposed to be Herzog's commando, crossed the Orange river between Omdelstroom and Bethulle, northwest of Burgersdorp, its objective apparently being Cradock. General MacDonald is engaging the invaders, who have no guns, twenty miles west of Burgersdorp. The latest news is that they are being slowly forced back to the Orange river, where a warm reception is being prepared for them."

Another dispatch from Cape Town says: "The Boers who crossed the Orange river into Cape Colony, west of Allwal North, on Saturday, encountered the Cape Rifles and Brabant's force, who retired with loss." Rumors were current Monday night that General Knox had inflicted a crushing defeat on the Boer commandos, and that the Boer force had been utterly routed on the Orange river. At the War Office nothing was known concerning the Boer success at this time would add considerably to the average Englishman's enjoyment of Christmas festivities.

CLOSE CALL FOR CLEMENTS.

Lord Kitchener, in a dispatch from Pretoria, dated Dec. 17, reports that all the British wounded in the engagement at Nootvedacht have arrived there and are doing well. Unofficial details of the defeat of the British at Nootvedacht indicate that General Clements's entire force had a narrow escape from capture. The Boer plans were splendidly laid. If the main British column had tarried a little longer there would have been a complete success for the Boers, who exposed themselves undauntedly, yelling and waving their arms. Their rushes were only stemmed by artillery. After the British retired the Boers held a prayer meeting. Their hymns could be heard by the retreating British. All accounts indicate a heavy Boer loss. Colonel Legge exhibited splendid bravery. He shot five Boers with his revolver before he fell with three bullets in his body.

The government publicly requests employers who have kept open situations for yeomanry, colonials and volunteers, to continue their patriotic efforts to minimize the sacrifice of these men in the present struggle of their country. The War Office has issued the Queen's thanks to the yeomanry, colonials and volunteers, expressing her reliance that those abroad will continue to aid the regulars. The foregoing are designed to quiet those in the field who are waiting to go home. Numerous volunteer officers' resignations have been gazetted, lawyers, physicians and business men who have urgently requested that their affairs are going to ruin. The War Office, on account of these representations, has let them off.

SALISBURY PESIMISTIC.

At the conference of the National Union of Conservative Associations, yesterday, Lord Salisbury, alluding to the war, said if they wished to sustain the empire and maintain the glory of England untarnished, their efforts must not be slackened until this great enterprise was carried out, for on the issue thereof depended the glory and perpetuity of the empire. It might require a strenuous effort and great self-sacrifice. The present was a period of some anxiety. "We," said the premier, "do not know exactly what has taken place. We earnestly hope the issue may be better than the beginning. But we have to push it through. Maybe there are matters which have not been explained, and when explained it may be the subject of scrutiny as to the steps whereby the present results have been reached. But we must spare no effort whereby the glory and the maintenance of our empire may be achieved."

The contemplated thanksgiving service in St. Paul's Cathedral, in connection with the return of Lord Roberts from South Africa, has been abandoned, owing, as the government announces, "to its being considered desirable to defer a general thanksgiving until the close of the operations in South Africa." The premier now is for Lord Roberts to depart in the Solent, to visit the Queen at Osborne House, Jan. 2, to re-embark and to finally land at Southampton, coming from that point to London.

Lord Salisbury's gloomy reference to South Africa causes much heart-burning. The conservative press, reluctant to admit that the situation is worse, complains of the premier's "needless pessimism." The Daily News asks whether Lord Salisbury's utterances foreshadow the news of another reverse, and it suggests that the government has received dispatches from Lord Kitchener asking for more troops, on the ground that the war, instead of being finished, is entering upon a new and difficult phase.

All the papers are urging the government to do everything possible to support Lord Kitchener. The premier's message to the volunteers was evidently designed to soothe the general disappointment over their retention in the field. There are rumors current that the government is not able to respond to appeals from South Africa to send out more regulars. The abandonment of the thanksgiving service in St. Paul's brings vividly home to the public the fact that there is still much work to be done in South Africa.

HER POTT LEAVES SOUTH AFRICA.

LOURENÇO MARQUES, Dec. 18.—Her Pott, The Netherlands consul, sailed today for Europe. There was no demonstration. Mr. W. W. S. Hollis, the United States consul, went on board the steamer to bid him farewell.

MUST PAY FULL TAXES.

PARIS, Dec. 18.—The French government has refused the petition of the American and British ambassadors requesting that the Passionist fathers and chaplains of the English-speaking Catholic Church of St. Joseph be exempt from the heavy tax which the special law imposes on religious bodies. The petition represented that the fathers discharged the duties of secular priests stationed in Paris solely to minister to the needs of the English-speaking colony, and that their withdrawal will be an irreparable loss to the colony. The church was built thirty years ago with English and American money, and the congregation is composed chiefly of English, Americans and Irish. The fathers have already contested the matter in the courts, which have decided against them.

The government has now seized St. Joseph's and the property of the fathers on Avenue Hoche and threaten to sell them unless the sum of 20,000 francs, arrears of taxes since 1898, is paid. The services, however, are not interfered with. The fathers

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TILL MARCH 4

TIME FOR RATIFICATION OF THE CANAL TREATY EXTENDED.

Several Other Conventions Agreed to by the Senate in Executive Session Yesterday.

FORAKER AND MORGAN SPEAK

BOTH IN FAVOR OF THE HAY-PAUNCEFOTE AGREEMENT.

Amendment Proposed by Mr. Bard, and a Resolution Offered by Tillman Changed and Adopted.

SENATE COMMITTEE REPORT

ON THE PRELIMINARY REPORT OF THE CANAL COMMISSION.

Protocols of Agreements with Costa Rica and Nicaragua, and the Clayton-Bulwer Treaty Discussed.

WASHINGTON, Dec. 18.—The friends of the Hay-Pauncefote treaty occupied nearly all of the time of the Senate in executive session today, Senators Foraker and Morgan being the speakers.

Previous to the taking up of that treaty the Senate, for the purpose of clearing its calendar, disposed of several other treaties of comparatively little importance. Five conventions in all were ratified. Among the documents thus disposed of was an agreement supplementary to the Hay-Pauncefote treaty itself and extending the time within which it may be ratified. Under the terms of the original treaty the time for ratification expired five months ago. The agreement favorably passed on today extends the time until the 4th of March, during which the treaty may be completed. Senator Lodge, who had the matter in charge, manifested some anxiety over this treaty and evidently was somewhat reluctant when it went through without a dissenting vote. The other treaties which were ratified were as follows: Extending for one year the time within which the commercial treaty with Argentina may be ratified. Extending for a year the time in which a treaty with Great Britain for reciprocity with Jamaica may be ratified. The new extradition treaties with Bolivia and Chili.

When the Hay-Pauncefote treaty was taken up attention was given to the resolution offered in open session earlier in the day by Senator Tillman, calling for the correspondence between this government and the government of Colombia relating to the right of the United States to construct a canal across Colombia territory. The resolution was agreed to after it was amended at the instance of Senator Morgan so as also to call for all the correspondence with the Panama Canal Company, including all offers on the part of that company, and all negotiations with the company by Senator Tillman, calling for the correspondence between this government and the government of Colombia relating to the right of the United States to construct a canal across Colombia territory. The resolution was agreed to after it was amended at the instance of Senator Morgan so as also to call for all the correspondence with the Panama Canal Company, including all offers on the part of that company, and all negotiations with the company by Senator Tillman, calling for the correspondence between this government and the government of Colombia relating to the right of the United States to construct a canal across Colombia territory.

FORAKER'S SPEECH.

Sensor Foraker's speech from first to last was a defense of the Hay-Pauncefote treaty. He praised in high terms Secretary Hay, who, he said, is not only an accomplished gentleman and scholarly man, but a patriot and a statesman of a high order. He had differed from the secretary in some respects, he said, as to the policy to be pursued, but any fair-minded man must recognize that in negotiating the pending treaty the secretary of state had accepted conditions as he found them, and that in falling into the policy of neutrality he had only followed historic precedents. As for himself he had always favored an American policy in dealing with the question of the construction of the canal, but no one who would attract the least attention to the subject could fail to see that the neutrality policy had been the policy of this country in the past. Every administration since 1850 had given some recognition to the Clayton-Bulwer treaty, and that document was to be found in the government's latest treaty compilation. To further show the attitude of this Nation Mr. Foraker quoted the fifteenth article of the treaty made between the United States and Nicaragua in regard to the canal in 1857, as follows: "The United States hereby agree to extend their protection to all such routes of commerce as aforesaid and to guarantee the neutrality and innocent use of the same. They also agree to employ their influence with other nations to induce them to guarantee such neutrality and protection."

TO BE RELEASED ON BAIL.

Jessie Morrison Will Be Given Her Liberty on Bond of \$5,000.

EL DORADO, Kan., Dec. 18.—Judge Shinn

today agreed to admit Jessie Morrison to bail in the sum of \$5,000, pending her second trial for the murder of Mrs. Olla Castle. Bondsmen have not yet been secured, but the prisoner's aged father, ex-Probate Judge Morrison, expresses hope that he will be able to secure them within a few days. The case cannot come up until next spring, and it is believed that another jury cannot be secured in the county. It is thought by many that her release will probably end the case. It is said that Miss Morrison, if released, will go to her old home in West Virginia.

PINGREE SNUBBED.

None of the Supreme Justices or Railway Officials Attended His Feast.

LANSING, Mich., Dec. 18.—Governor Pingree's banquet, which was announced in honor of the members of the state Legislature, justices of the Supreme Court, and railroad officials of the State, was given in the Hall of Representatives to-night. None of the justices of the Supreme Court, nor railroad officials invited was present, while only three state senators and forty-six representatives attended. Not one of the state officials-elect accepted Governor Pingree's invitation to be present. The menu supplied was elaborate and the list was long.

MAY NOT PASS

MUCH OPPOSITION TO HOPKINS'S REAPPORTIONMENT BILL.

McDowell, of Ohio, Now Sorry He Voted with the Majority in Favor of the Report.

CRUMPACKER STILL HOPEFUL

THINKS THE DURELIGH BILL CAN BE PASSED IN THE HOUSE.

Under It No State Would Have a Smaller Representation in Congress Than It Has Now.

MOROCCO'S SULTAN PAYS

SETTLES THE CLAIM OF THE UNITED STATES FOR INDEMNITY.

Turkish Trouble Probably Adjusted—Two Ministers Changed, and a New Yorker Given the Greek Post.

Special to the Indianapolis Journal.
WASHINGTON, Dec. 18.—The opposition to the Hopkins reapportionment bill seems to gather strength as the hours roll by. It is not quite certain that the bill will be reported to-morrow as Mr. Hopkins this afternoon had not completed his report. Perhaps the most annoyed man over the situation is Mr. McDowell, of Ohio, by whose vote the Hopkins bill won over the Dureligh measure. He was ready this afternoon to join in a request for another meeting of the census committee before the report is made to the House and stated that if a meeting were held he would move to reconsider the vote by which the Hopkins bill was ordered reported. It was explained to him that to make this request effective he would have to say in writing that he had voted to report the Hopkins bill under a misapprehension. He said he was hardly ready to do this, though he was free to say that now he recognized that he had made a mistake of judgment and would if the chance were given him vote to undo it. As it is, it is not impossible that he may yet sign the report against the bill. If he should do so the singular spectacle would be presented of a bill reported with the names of a minority of the committee signed to its bill, that of the names of a majority of the committee signed to the minority report.

Judge Crumpacker and the other members of the Indiana delegation are very hopeful of defeating the Hopkins bill with the Dureligh bill and thus prevent any State from losing representation. The argument by which Hopkins is seeking to attract Democratic votes to his bill, that the Dureligh bill would result in a net gain of ten presidential electoral votes, is based upon a palpable fallacy. As the apportionment is based on population it does not make any difference whether the membership of the House goes up or down, it will go proportionately, in any event, and though the actual membership of the House is to remain the same under the Hopkins bill that it is now, there will be distribution of members among the States which will leave things relatively as they now are.

Inasmuch as the Democrats have never elected a President without carrying certain Northern States, as New York, New Jersey, Connecticut and Indiana, except in 1856, when Buchanan lost New York but carried Pennsylvania, and in 1888, when Cleveland lost New York but carried Pennsylvania, it is possible that the Democrats influenced by Hopkins's fallacious arguments before the matter is finally disposed of and cause them to join in rejecting the Hopkins bill and adopting the Dureligh measure.

The members of the minority of the census committee are seeking to marshal all the available strength among the dissatisfied members by making a minority report which will recommend a basis for reapportionment that will not reduce the representation in any State. This can be accomplished by making 191,000 inhabitants the basis of representation. Upon this basis the House would consist of 37 members. No State would lose, and the following would gain: Arkansas, California, Colorado, Connecticut and Florida, one each; Illinois, three; Iowa, Louisiana and Massachusetts, one each; Minnesota, two; Mississippi and Missouri, one each; New Jersey, two; New York, three; North Carolina and North Dakota, one each; Pennsylvania, two; Texas, three; Washington, West Virginia and Wisconsin, one each. Mr. Dureligh, of Maine, will draw the minority report recommending this basis. It is possible that Mr. Crumpacker, of Indiana, will still further complicate the situation by making another minority report in support of his proposition to reduce the representation from the South.

MINISTERS TRANSFERRED.

Leischman Goes to Turkey and Hardy to Switzerland.

WASHINGTON, Dec. 18.—The President today sent the following nominations to the Senate: John C. A. Leischman, of Pennsylvania, to be secretary of the legation at Buenos Ayres; Benjamin S. Warren, of Alabama, to be assistant surgeon in the Marine Hospital Service; J. M. Patterson to be postmaster at The Dalles, Ore.

Confirmations by the Senate: Daniel H. McMillan, of New Mexico, to be associate justice of the Supreme Court of New Mexico; John W. Yerkes, of Kentucky, to be commissioner of internal revenue.

The officials here will not admit they have any official knowledge that a settlement has been reached by Mr. Griseom, our charge at Constantinople, of the American mission claims and in some cases a flat denial is given. Yet it is recalled that when Minister Straus came back to the United States and resigned in disgust at his inability to close up these claims, the impression was semi-officially given that no minister would be named to succeed him.

HAZING IS PRACTICED

BUT WEST POINT CADETS SAY THERE IS NO BRUTALITY.

Sixty-Eight Members of the Second-Class Examined by the Military Court of Inquiry.

BOOZ WAS NOT WELL LIKED

MOST OF HIS CLASSMATES REGARDED HIM AS A COWARD.

Story of the Dead Cadet's Fight with Keller in 1898 Related by the Former's Second.

WEST POINT, N. Y., Dec. 18.—The military court of inquiry which began taking testimony in Bristol, Pa., yesterday, arrived at the Military Academy at 1 o'clock this afternoon. At 2 o'clock it resumed the investigation of the charges of hazing and brutal treatment made by the parents of former Cadet Oscar L. Booz, who died a couple of weeks ago in his home in Bristol. The courtroom was open to the public, but no nonmilitary men except the reporters were present. A great many officers and attaches of the academy were interested spectators, and from the opening of the proceedings the adjournment, at 6 o'clock, no one left the room.

Generals Brooke, Bates and Clous and Captain Dean questioned the witnesses as to the practice of hazing in the academy, both in camp and barracks. Sixty-eight members of the class of 1902, to which Booz belonged till he resigned in September or October, 1898, were summoned to the court and were brought in squads and kept in ante rooms in the academic building. This is the first time in many years that a court of inquiry has convened at this academy. The last occasion was the investigation of the case of a colored cadet named Whitaker, who claimed "that he had his ear slit, but it was finally found he had done the cutting himself. This was over ten years ago.

Four of the sixty-eight cadets of the second class were examined during the afternoon, and all of them who knew Booz declared that his standing with his classmates was not very high, as they looked upon him as a coward. The story of his fight with Keller in 1898 was told by Cadet O. N. Tyler, who seconded Booz. When asked by the court why he did so Tyler said: "Well, Booz asked me to be his second and I could not well refuse."

NO BRUTAL HAZING.

Every one of the witnesses denied that any brutal hazing occurred, and two of them described the "bracing" and "setting up drills" as only "correctional measures" and neither injurious nor humiliating. Every one of them seemed to give a straightforward statement, and one and all denied that Booz had been interfered with on account of his religious belief or tendencies. Just how long the inquiry here will last could not be figured on by the officers of the court to-night, but it is expected to take up the greater part of this week. The hearing will be resumed at 3:30 to-morrow.

Capt. William A. Mitchell was the first witness sworn. He testified that he was a member of Cadet Booz's class, but that he knew of no hazing of Booz. In reply to General Brooke the witness said: "I was subjected to hazing myself while in camp." "Now state exactly what did it consist of?"

"It was bracing and exercising. It would all come under the form of exercising. It did not do me any injury either physically or mentally."

The next witness was Henry M. Dalton, also of the class of 1902. He said he knew of no hazing of Booz, and was not present at the fight between Keller and Booz. He said Keller was seconded by Cadet Spaulding and Booz by Cadet Tyler.

Cadet Orinell R. Tyler was next examined. He said: "I was present at the fight."

"Who else did you see there?" "Cadets Keller, Hayden, Spaulding, De Young, Herd and Brownell."

"Was there a knock-out blow delivered?" "Yes, sir. Booz was hit in the region of the stomach, and when he was on the ground he was unable to get up."